

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
8/5 Belair Road, 450 ft. of c/l of New Court Road
12505 Belair Road
11th Election District
5th Councilmanic District
Christian F. Kamka, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 92-256-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception to permit a part time, home operated, antique sales business in an R.C.5 zone, pursuant to Section 402.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.); and a Petition for Zoning Variance from that section to permit a lot area of .927 acres, in lieu of the required 1 acre, all as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners/property owners, Christian F. Kamka and Betty J. Kamka, appeared and testified. There were no Protestants or other interested persons present.

The Petitioners testified that they reside at the subject site, known as 12505 Belair Road in the Kingsville area of Baltimore County. Presently, their property is improved with a 2 story dwelling. A portion of the dwelling is made of stone construction which was built approximately 1890. Since that time, 2 wings have been added on either side of the dwelling to provide additional living space. These wings were constructed many years ago. The Petitioners propose to construct another addition to the property which would provide for the proposed antique sales room. The addition will be 19 x 24 ft. in dimension and one story. Further improvements to the lot, including installation of parking, will be added.

Section 402.B.1 of the B.C.Z.R. provides that an antique shop may be permitted by special exception under certain circumstances. The Petitioners comply with the requirements within that section, but for that provision that requires the lot to be at least 1 acre in size. In that the subject lot is .927 acres, the Petitioners have applied for a variance. It is further to be noted that the parcel is zoned R.C.5; a permitted classification under the provisions of Section 402.B.1 of the B.C.Z.R.

The Petitioners described their property as being rural in character and heavily landscaped. It is an isolated property and a proposed business will be a low key operation. The Petitioners envision that they will have no employees on site and will operate the business during the weekends. They explained that Mr. Kamka is retired and now wishes to spend more time pursuing his previous hobby of antique collecting. Further, they proffered that they had spoken with their neighbors and that other residents of this community have no objection.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions, as delineated by Section 502.1 are satisfied by the Petitioners.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse

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impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

Turning to the variance, I am likewise persuaded that same should be granted.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of February, 1992 that a Petition for Special Exception to permit a part time, home operated, antique sales business in an

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R.C.5 zone, pursuant to Section 402.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Zoning Variance from Section 402.B.1 of the B.C.Z.R. to permit a lot area of .927 acres, in lieu of the required 1 acre, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Zoning Plans Advisory Committee (ZAC) as set forth in the comments submitted by the the Deputy Director of Planning and Zoning dated January 10, 1992, attached hereto and made a part hereof.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 4, 1992

Mr. and Mrs. Christian F. Kamka
12505 Belair Road
Kingsville, Maryland 21087

RE: Petitions for Special Exception and Zoning Variance
Case No. 92-256-XA

Dear Mr. and Mrs. Kamka:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for part-time, home operated, antique sales business, as allowed in an R.C.5 Zone under B.C.Z.R. Section 402 B.1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Betty J. Kamka
(Type or Print Name)
Signature

12505 Belair Rd.
Address
Kingsville, Maryland 21087
City and State

Attorney for Petitioner:

Lawrence E. Schmidt
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Christian F. Kamka
(Type or Print Name)
Signature

Betty J. Kamka
(Type or Print Name)
Signature

12505 Belair Rd. 410-592-9498
Address Phone No. 887-2775

Kingsville, Maryland 21087
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Betty J. Kamka
Name

12505 Belair Rd. Kingsville, Md
Address

Phone No. 592-9498



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: LG DATE 2-19-92



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402 B.1, allowing 0.927 acre instead of 1 acre

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Christian F. Kamka
(Type or Print Name)

Signature

Betty J. Kamka
(Type or Print Name)

Signature

12505 Belair Rd. 410-592-9498
Address Phone No. 887-2775

Kingsville, Maryland 21087
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Betty J. Kamka
Name

12505 Belair Rd. 592-9498 (887-2775)
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: LG DATE 2-19-92

Beginning at a point on the east side of Belair Road which is 60 feet wide at the distance of 450 feet south of the center line of the nearest improved intersecting street " New Cut Road " which is 60 feet wide. Thence the following courses and distances:

S.20 51'W. 151.82 ft.; S.60 31'E. 206 ft.; N. 36 58' 20"E. 202.53 ft.; N.71 46'W 260 ft. to the place of beginning as recorded in Deed Liber 3864, Folio 580, containing 0.927 acres. Also known as 12505 Belair Road

Harold H. Mumf

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 111 Date of Posting: 1/16/92

Posted for: Christian F. Kamka and Betty J. Kamka

Petitioner: Christian F. Kamka and Betty J. Kamka

Location of property: 12505 Belair Road, Kingsville, Maryland 21087

Location of Signs: 12505 Belair Road, Kingsville, Maryland 21087

Remarks: Special Exception for a part-time, home operated, antique sales business. Variance allowing .927 acres instead of 1 acre.

Posted by: Lawrence E. Schmidt Date of return: 1/16/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION
TOWSON, MD., 1/16, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992

THE JEFFERSONIAN,
S. Zake Olson
Publisher

\$ 71.33

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 12/31/91

Account: R-001-6150
Number: H9200271

PUBLIC HEARING FEES	QTY	PRICE
020 -ZONING VARIANCE (OTHER)	1 X	\$175.00
050 -SPECIAL EXCEPTION	1 X	\$175.00
LAST NAME OF OWNER: KAMKA		TOTAL: \$350.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

WTR: 1/16/92

Christian and Betty Kamka
12505 Belair Road
Kingsville, Maryland 21087

RE:
CASE NUMBER: 92-256-XA
5/5 Belair Road, 450' S of c/1 New Court Road
12505 Belair Road
11th Election District - 5th Councilmanic
Petitioner(s): Christian F. Kamka and Betty J. Kamka

Dear Petitioner(s):

Please be advised that \$ 350.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jahn
ARNOLD JABLON
DIRECTOR

CERTIFICATE OF PUBLICATION
TOWSON, MD., 1/16, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zake Olson
Publisher

\$ 70.33
+ 50
120.53

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 12/19/91

Account: R-001-6150
Number: 111

SPECIAL EXCEPTION
VARIANCE

KAMKA, Christian & Betty
12505 Bel Air Rd
(450' S & New Court Rd)

\$175
\$175
\$350.00

ID 11
CD 5

Cashier Validation

09404W0034MICHRO
84 C00P320412-19 91
Please Make Checks Payable To: Baltimore County \$350.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 12/31/91

Account: R-001-6150
Number: 111

92-256

Cashier Validation

Please Make Checks Payable To: Baltimore County \$350.00

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

JAN 0 8 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-256-XA
5/5 Belair Road, 450' S of c/1 New Court Road
12505 Belair Road
11th Election District - 5th Councilmanic
Petitioner(s): Christian F. Kamka and Betty J. Kamka
HEARING: TUESDAY, FEB. 4, 1992 at 9:00 a.m.

Special Exception for a part-time, home operated, antique sales business.
Variance allowing .927 acres instead of 1 acre.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

RE: Christian F. Kamka, et ux

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

January 27, 1992

Mr. & Mrs. Christian F. Kamka
12505 Belair Road
Kingsville, MD 21087

RE: Item No. 271, Case No. 92-256-XA
Petitioner: Christian F. Kamka, et ux
Petition for Variance

Dear Mr. & Mrs. Kamka:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

Zoning Plans Advisory Committee Comments
Date: January 27, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
James E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

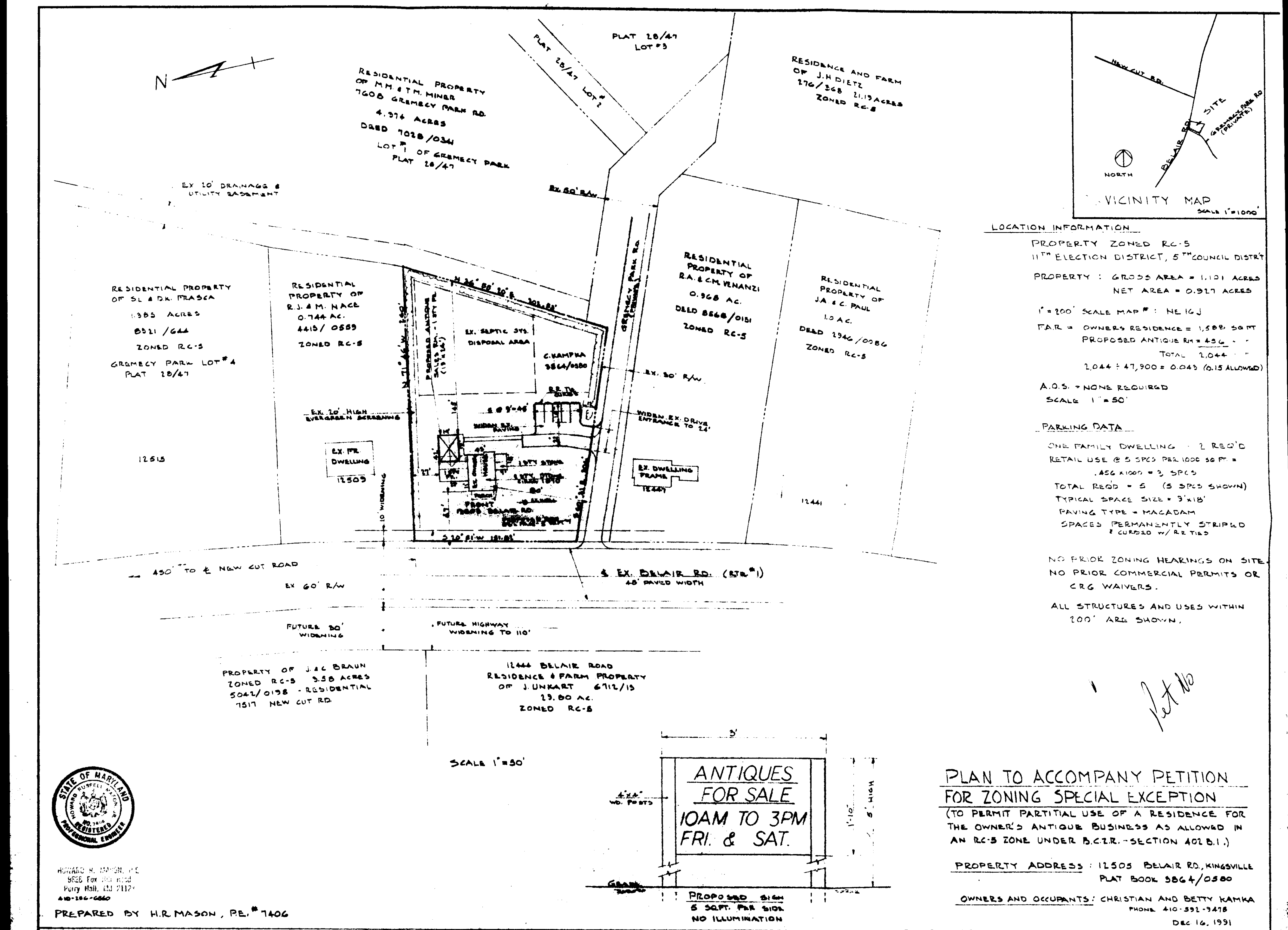
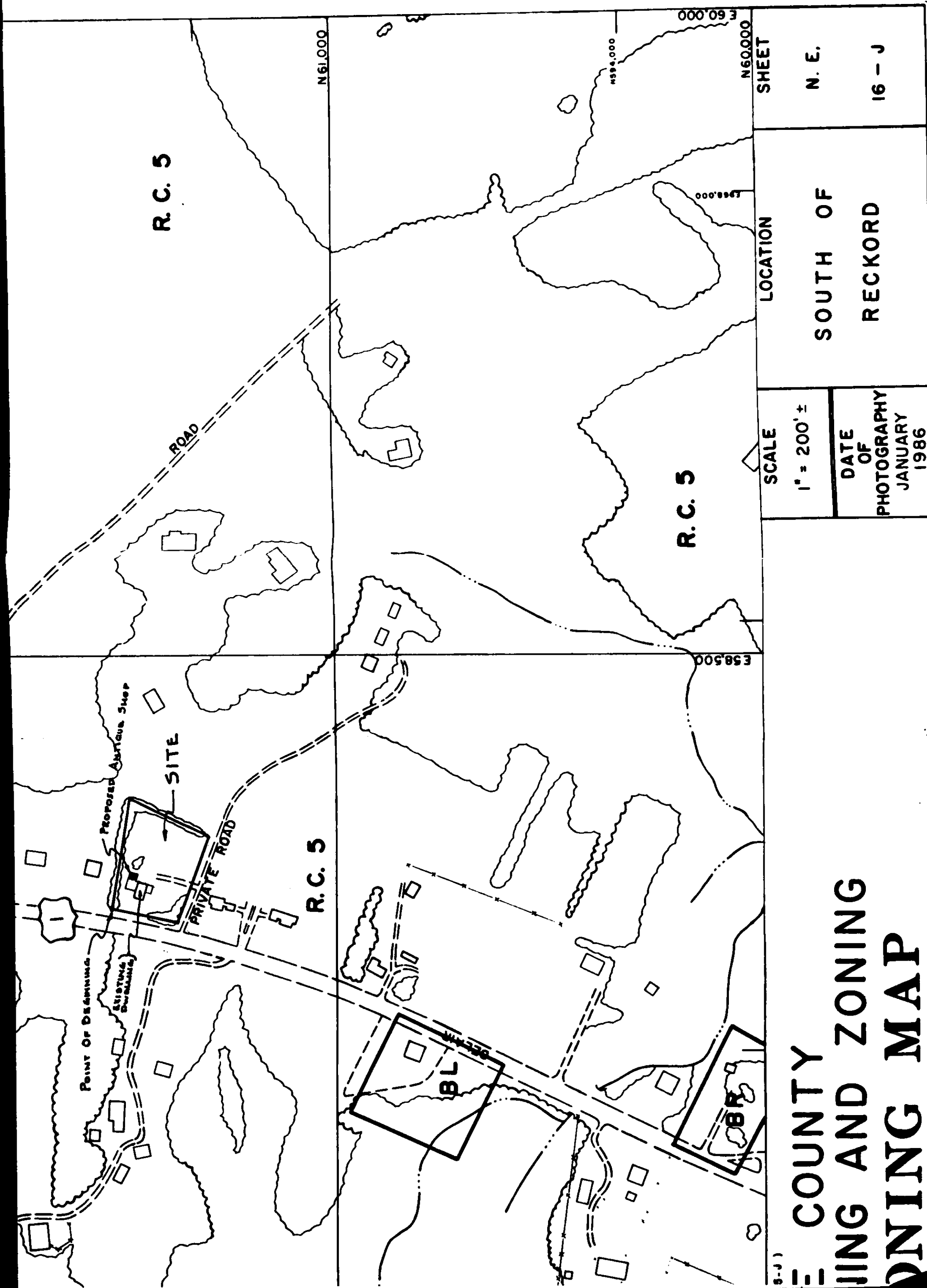
Your petition has been received and accepted for filing this
19th day of December, 1991.

Carl Jahn
ARNOLD JABLON
DIRECTOR

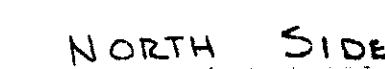
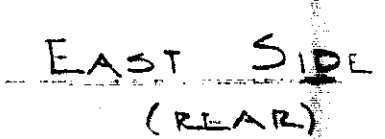
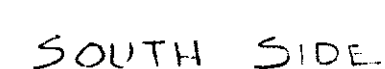
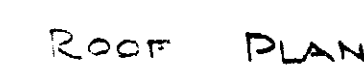
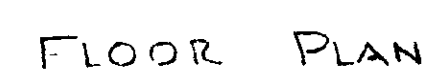
Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Christian F. Kamka, et ux
Petitioner's Attorney:

92-256-XA #271



92-256-XA #271



ELECTRIC BASEBOARD HEAT BY OTHERS

Det Noz

ROOM ADDITION			
FOR: MR. & MRS. C. F. KAMKA			
DATE: 12/21	APPROVED BY:	DESIGNED BY:	
LOCATION: DELAID RD KINGSVILLE, MS.		DRAWING NUMBER: 1-001	



ARMED R. MASON, JR. PE.
406 E. 101 ROAD
JACKSON, MISSISSIPPI 39212